

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.2
Eastern Division**

Armando Serrano

Plaintiff,

v.

Case No.: 1:17-cv-02869
Honorable Manish S. Shah

Reynaldo Guevara, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, December 7, 2018:

MINUTE entry before the Honorable Jeffrey Cole: The defendant has filed a motion for a protective order regarding deposition video and transcript of his deposition taken November 15, 2018. [Dkt. #122, 124]. The parties entered into an agreed confidentiality order covering instances such as this on October 2, 2018. Under its terms, in the case of a deposition, a party may designate testimony as confidential within 14 days of delivery of the transcript. [Dkt. #116, Par. 3]. Ostensibly, defendant's motion filed six days after the deposition serves this purpose, but the parties' agreement clearly contemplates a designation outside of court. [Dkt. #116, Par. 2]. Notably, the defendant did not even identify the portions of the transcript he felt should be confidential, explaining that he would file them in camera if need be. [Dkt. #124, at 7]. But the proper procedure is to seek to file the exhibit under seal. [Dkt. #116, Par. 6]. Otherwise, how can the court possibly rule on such a motion? Accordingly, the defendant's motions [Dkt. #122, 124] are stricken. The next step under the parties' agreed order is for the party challenging the confidential designation to "begin the process" and set up a meet and confer with the designating party. [Dkt. #116, Par. 7(a)]. Plaintiff has ignored this requirement; instead he argues that it was up to defendant to set up the meet and confer prior to filing his motion. [Dkt. #128, at 4]. But the parties' agreement, not Fed.R.Civ.P. 37.2, applies here, and so it is plaintiff who is skirting the rules. Accordingly, the plaintiff's response [Dkt. #128] is stricken as is the hearing on the defendant's motion scheduled for December 17, 2018. The parties are directed to follow the terms that they agreed to, including the meet and confer requirement, the definition of confidential materials, and the burdens of persuasion. In the interim, as per the parties' agreement, the materials at issue remain confidential. [Dkt. #116, Par. 7]. Motion for protective order [122] is stricken; Motion for protective order [124] is stricken(rbf,)

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